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April, 3, 2020

Hon. Vernon S. Broderick  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

RE: United States v. Richard D. Hart, S1 17 Cr. 248 (VSB)

Dear Judge Broderick:

The defense writes in response to the Court's Order dated April 3, 2020. Defense counsel received an email from the BOP today at 1:44pm (four days after defense counsel electronically mailed it to the appropriate party). The email stated in entirety, "Your email has been forwarded to the appropriate department."

Defense counsel responded immediately asking if the BOP intended to/had the capacity to respond to Mr. Hart's application and if the BOP had formulated a position in regard to the application.

As of now, defense counsel has not received a response.

Regardless, defense counsel respectfully suggests that the BOP is overwhelmed doing everything possible to manage this crisis and will be unable to respond before the thirty days.

There is legal authority for the Court to waive the exhaustion requirement. Thirty days is 29 more dangerous and unnecessary days for Mr. Hart to be held in MDC

while COVID-19 spreads. Mr. Hart is a non-violent offender who has served a significant portion of his sentence. By modifying his sentence to home confinement, Mr. Hart would be able to abide by CDC guidelines to protect his life.

Thank you for your time and consideration.

Respectfully Submitted,

Jacob Mitchell

cc: David Lewis AUSA  
David Abramowicz, AUSA